

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
April 5, 2011**

ITEM

SUBJECT

PUBLIC HEARING: DRAFT REVISIONS TO THE SANITARY SEWER SYSTEMS WASTE DISCHARGE REQUIREMENTS AND ASSOCIATED MONITORING AND REPORTING PROGRAM

DISCUSSION

The State Water Resources Control Board (State Water Board) adopted statewide general waste discharge requirements (WDRs) and a monitoring and reporting program (MRP) for sanitary sewer systems in May 2006 as Water Quality Order No. 2006-0003-DWQ. The MRP was subsequently revised in 2008 as Order No. 2008-0002-EXEC. Water Quality Orders No. 2006-0003-DWQ and 2008-0002-EXEC are referred to as the Sanitary Sewer System Waste Discharge Requirements (SSS WDRs).

The SSS WDRs were initially developed over 14 months in collaboration with a Sanitary Sewer Overflow (SSO) Guidance Committee that included stakeholders from the Regional Water Quality Control Boards (Regional Water Boards), publicly-owned sanitary sewer system agencies, the U.S. Environmental Protection Agency (USEPA), and non-governmental environmental organizations. The purpose of the SSS WDRs was to provide consistent statewide requirements for quantifying and reducing both the number of SSOs and the volume of wastewater spilled in the state.

The current SSS WDRs apply to public agencies that own sanitary sewer systems with more than one mile in length of pipe. The SSS WDRs and associated MRP requires public agencies to enroll for coverage; provide notifications to Regional Water Boards, health departments, and the California Emergency Management Agency (Cal EMA) when high threat spills occur; provide monthly reporting of spills or a No-Spill certification; and develop and implement a Sewer System Management Plan that addresses proper management, operations and maintenance of the sanitary sewer collection system. The 2008 revisions to the MRP changed spill notification timelines, added additional agencies to be notified, and included a requirement to certify that spill notification was made in accordance with the MRP requirements.

State Water Board staff initiated the triennial review and update of the SSS WDRs and associated MRP in September 2009. For the SSS WDRs review and update, Water Board staff solicited stakeholder input in informal public meetings on September 15, 2009 in Orange County (82 participants) and on September 29, 2009 in the City of Oakland (101 participants). In follow-up to the staff workshops, comment letters were solicited. Thirty-eight comment letters were received from the public and four comment letters were provided by Regional Water Quality Control Boards (Regional Water Boards). To capture additional Regional Water Board input on the WDRs Review and Update, a workshop was conducted on January 19, 2010 with participating Regional Water Board staff from the North Coast, San Francisco Bay, Central Coast, Central Valley and San Diego Water Boards. In addition, comments and information were solicited from Cal EMA staff during a meeting with them on March 4, 2010 and from local

health department staff via a survey form distributed through the California Conference of Directors of Environmental Health, Land Use Committee.

In all, 341 comments were received from the two staff public meetings, the workshop with Regional Water Board staff, the coordination meeting with Cal EMA staff, the comment letters, and the survey of local health department staff.

In addition, as part of the WDRs Review and Update, State Water Board staff formed a committee of SSS WDRs stakeholders to review the California Integrated Water Quality System (CIWQS) SSO data collected to date. The purposes of the Committee were to: (1) review the SSO data collection process and to improve it to enhance the value of collected spill data for all stakeholders; (2) redesign the spill database and report forms to be event-based instead of location-based since a blockage may cause overflows at several locations; and (3) evaluate and develop indices of collection system performance to be used in California. A total of 227 stakeholders have registered for the Committee and the work of the Committee is scheduled to be completed prior to adoption of the revised SSS WDRs.

Proposed revisions presented in the draft SSS WDRs include modifying the WDRs applicability criteria to include a flow threshold in addition to the pipe mileage threshold, expanding coverage of the WDRs to private collection systems meeting the pipe mileage and proposed flow thresholds, mandating the reporting of private lateral spills by enrollees when they become aware of the spills, revisions to streamline spill notification points of contact, changing the prohibition against spills to “waters of the United States” to a prohibition against spills to “surface waters of the state”, revisions to the SSMP requirements, audit schedules, and re-certification schedules, and other changes as noted in the Staff Report for the SSS WDRs review and update.

The Staff Report addresses in detail the issues raised in the comments received and provides supporting information for the staff recommendations incorporated in the revised SSS WDRs and associated MRP that accompany this notice.

The State Water Board is soliciting comments on the proposed staff revisions to the SSS WDRs noted above and in the Staff Report. Comments are also being solicited on whether the WDRs should be revised to be a two-tiered WDRs and National Pollutant Discharge Elimination System (NPDES) permit. Under the two-tiered WDRs and NPDES permit, (1) Enrollees that have had at least one SSO that has reached waters of the United States would be required to seek coverage under the NPDES permit; (2) Enrollees that have never had any SSO that has reached waters of the United States would be required to seek coverage under the WDRs; and (3) When an Enrollee covered under the WDRs reports an SSO that has reached waters of the United States, the Enrollee would have to switch coverage from the WDRs to the NPDES permit. The NPDES permit would include a prohibition against all SSOs to waters of the United States.

Comments will be accepted at the public hearing and by comment letter. The public notice for this hearing contains information on the comment letter due date and mailing address.

POLICY ISSUE

N/A – Public Hearing Only

FISCAL IMPACT

N/A – Public Hearing Only

REGIONAL BOARD IMPACT

N/A – Public Hearing Only

STAFF RECOMMENDATION

N/A – Public Hearing Only

State Water Board action on this item will assist the Water Boards in reaching Goals 5, 6 and 7 of the Strategic Plan Update: 2008-2012. Goal 5 is to improve transparency and accountability by enhancing and improving accessibility of data and information. Goal 6 is to enhance consistency across the Water Boards, on an ongoing basis. Goal 7 is to ensure that the Water Boards have access to information needed to effectively and efficiently carry out the Water Board's mission.

Policy Review _____

Fiscal Review _____

Legal Review _____

Exec Review _____